

CHANGES TO THE DRAWINGS

Fig. 3 has been amended to identify the cladding and the pellets. New Figs. 7 and 8 have been added to show the pool and intermediate structure and warehousing arrangement. Support is found in the original specification sections amended above and the claims as originally filed. No new matter has been added.

Attachments: One Replacement Drawing Sheet

Two New Drawing Sheets

REMARKS

The drawings were objected to under 37 CFR 1.83(a). Claims 12 to 19 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Claims 12 to 19 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. Claims 12 to 19 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 12 to 19 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 12 was rejected under 35 U.S.C. §103(a) as being unpatentable over Kraus et al. (DE 196 40 393 A1), in view of Applicant's Admitted Prior Art (Specification Page 1), Ahmed (U.S. 5,009,835) and Baudro (U.S. 4,659,536).

Fig. 3 has been revised and new Figs. 7 and 8 have been added. The specification has been amended to number the new figures. Claims 13 to 22 have been cancelled. New claims 23 to 33 have been added.

Reconsideration of the application based on the following remarks is respectfully requested.

Drawing Objections

The drawings were objected to under 37 CFR 1.83(a).

New drawings have been submitted to show the pellets, pool, cladding and intermediate storage arrangement, as well as the warehousing arrangement, case, sealed covers and sealed barrier. No new matter has been added, support being found in the original specification sections to which numbering has been added by the amendment above.

It is noted the cladding 6a was shown in Fig. 1 (See substitute specification at page 9, last line), and this numbering has been maintained.

Withdrawal of the objections to the drawings is respectfully requested.

35 U.S.C. §112 Rejections

Claims 12 to 19 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement.

The terms storage container, transport container and frame have been removed, and new claims submitted which, it is respectfully submitted, clarify the present invention. Applicant's representative, new from as originally filed, has gone through the claims and attempted to correct all of the defects noted by the Examiner.

Claims 12 to 19 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement.

New claim 23 now recites "inserting the leaky fuel rods in the pool one by one into empty ones of the plurality of capsules in the loading structure, the inserting for each leaky rod including: unscrewing one of the end plugs of a respective capsule of the plurality of capsules, the end plug being situated at a capsule top end; placing the leaky rod into the respective capsule via the guide device; and screwing the one end plug at the top end of the capsule back into place" so that the inserting step is clearly a single step.

Applicant apologizes for any confusion from the earlier claims.

Withdrawal of the rejections to claims 12 to 19, under 35 U.S.C. §112, first paragraph, is respectfully requested.

Claims 12 to 19 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The objectionable language has been changed.

It furthermore is respectfully submitted, that while in a preferred embodiment, the loading structure and the support structures can be the same (See substitute specification at page 12, last full paragraph), they also can be different.

In other words, in one embodiment structure 20 can both load and support the capsule.

In another embodiment, disclosed at page 20, last full paragraph, the structure 20 can be used solely for loading the capsules, and then the loaded capsules are transferred to a support structure which may be a warehousing arrangement. New Fig. 8 shows this embodiment, which is supported in the originally filed specification.

For clarification, claim 23 now recites "inserting the leaky fuel rods in the pool one by one into empty ones of the plurality of capsules in the loading structure at at least one loading

location” and “placing each capsule containing the leaky rod in a location of a support structure *different from the at least one loading location.*” Support is found for example at page 17, line 5 et seq. which describes the loading location 27a, and page 18, line 29 to 30 which describes the subsequent transport to a storage location.

Claim 32 now recites in independent form the situation where the loading structure is also used as the storage and transport structure, and claim 33 uses the location language above but removes the support structure language. Support is found in the same section of the specification noted above.

Withdrawal of the rejections to claims 12 to 19, under 35 U.S.C. §112, second paragraph, is respectfully requested.

Claims 13 to 15 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The objectionable language from these previous claims has been removed or amended.

Withdrawal of the rejections to claims 13 to 15, under 35 U.S.C. §112, second paragraph, is respectfully requested.

35 U.S.C. §103(a) Rejections

Claim 12 was rejected under 35 U.S.C. §103(a) as being unpatentable over Kraus et al. (DE 196 40 393 A1), in view of Applicant’s Admitted Prior Art (Specification Page 1), Ahmed (U.S. 5,009,835) and Baudro (U.S. 4,659,536).

It is respectfully submitted that Kraus does not disclose “placing each capsule containing the leaky rod in a location of a support structure different from the at least one loading location; and transporting and storing the defective rods inside the capsules placed in the support structure” as claimed.

The transporting of the capsule 7 of Kraus, it is respectfully submitted, does not occur “in the support structure.” At column 6, lines 22 to 23, Kraus states ‘Hierauf wird die verschlossene Kapsel 7 dem Koecher 40 entnommen...’ which translates roughly to “After that, the closed capsule 7 is taken out of the “Koecher.” In Kraus the capsule 7 is never transported in the “Koecher” or the drying device.

Withdrawal of the rejection to claim 12, under 35 U.S.C. §103(a), is respectfully requested.

CONCLUSION

It is respectfully submitted that the application is in condition for allowance and applicants respectfully request such action.

If any additional fees are deemed to be due at this time, the Assistant Commissioner is authorized to charge payment of the same to Deposit Account No. 50-0552.

Respectfully Submitted,
DAVIDSON, DAVIDSON & KAPPEL, LLC

By: _____
John S. Economou, Reg. No. 38,439

Dated: February 17, 2009

DAVIDSON, DAVIDSON & KAPPEL, LLC
485 Seventh Avenue, 14th Floor
New York, New York 10018
(212) 736 - 1940